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Application No.: 10/797758

Case No.: 57630US004

REMARKS

Claims 1-35 are pending. Claims 18-35 are canceled herein without prejudice to their later prosecution in an application depending herefrom. Reconsideration of the application is requested.

Interview Summary

As noted in the Examiner's Interview Summary, in a telephonic interview on September 21, 2006, Applicants agreed to cancel the last line of page 1 of the Response to Restriction Requirement filed August 27, 2006.

Specification

The Specification is amended herein as suggested by the Examiner.

§ 102/103 Rejections

Claims 1-4, 6 and 9 stand rejected under 35 USC § 102(b) as purportedly anticipated by U.S. Pat. No. 5,437,960 (Nagate). Claims 5, 7, 8 and 10-17 stand rejected under 35 USC § 103(a) as purportedly unpatentable over Nagate in view of U.S. Pat. No. 6,951,596 (Green). Applicants respectfully traverse.

It is axiomatic that, in order to anticipate a claim, a reference must teach each and every element as set forth in that claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)(cited at MPEP § 2131). In addition, it is axiomatic that, in order to establish a prima facie case of obviousness of a claim, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)(cited at MPEP § 2143.03). In the present case, no anticipation and no prima facie case of obviousness have been established because the cited references fail to teach or suggest claim limitations recited in the present claims.

The present claims each concern a method which includes a step of "securing, with use of respective first and second vacuums at the first and second locations and after removal of the movable vacuum, the end portion of the membrane web at the first and second locations". Exemplary first and second vacuums 52, 62 are depicted in Fig. 2 of the present application.

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Exemplary first and second vacuums may be associated with staging station 50 and positioning station 60, depicted in Figs. 2-6 of the present application. Each of the present §102 and §103 rejections depend on finding such teaching or suggestion in Nagate. (Office Action at page 3, para. 4). However, no teaching or suggestion of the use of respective first and second vacuums at the first and second locations is found in Nagate, nor does the present office action provides a specific cite for such a disclosure in Nagate. (Office Action at page 3, para. 4).

Since each of the present §102 and §103 rejections depend on finding a teaching or suggestion not found in Nagate, applicants assert that all of the present rejections should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

Respectfully submitted,

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Date

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